IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.215 OF 2004

In

WRIT PETITION NO.2345 OF 2003

M/s.Swan Mills Ltd. : Petitioner

V/s.

Harishchandra G. Ghanekar & Ors. : Respondents

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Mr.I.A.Engineer for respondent no.1 in support.

Mr.N.G.Helekar i/b. V.P.Vaidya for the petitioner to show cause.

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CORAM : F.I. REBELLO, J.

October 1, 2004.

P.C.:

1. This is a Notice of Motion taken out by respondent no.1 to withdraw the amount deposited by the petitioner.

2. The learned counsel for respondent no.1 states that he is unable to furnish security if the amount is allowed to be withdrawn. Considering that, it is not possible to pass an order as otherwise the matter is on board for final hearing.

3. However, considering that in the circumstances of the case, respondent no.1 would be entitled to the gratuity dues and the learned counsel for the petitioner states that the dues are worked out in the sum of Rs.17,992/-, respondent no.1 is permitted to withdraw out of the said amount, a sum of Rs.18,000/- without security and subject to final orders being passed by this Court.

4. The Notice of Motion is disposed of accordingly.

5. All parties concerned to act on a copy of this order duly authenticated by the Associate of this Court.

Sd/-

(F.I. REBELLO, J.)